

REMARKS

In view of the preceding amendments and the comments which follow, and pursuant to 37 CFR §1.116, reconsideration of the Final Rejection of May 4, 2004 is respectfully requested by Applicants.

Claims 24, 25, and 27-30 have been cancelled. Claim 16 has been amended. No new matter has been added.

Claims 16, 17, 19, 20, and 26 are currently pending in the application and stand finally rejected.

Rejections under 35 USC §112 first paragraph

Claims 16, 17, 19, 20, and 24-26 have been rejected under 35 USC §112, first paragraph, because the specification, while being enabling for the genes citC, citD, citE, citF, and citG from *Klebsiella pneumoniae* in that order transformed into *E. coli* and the citX gene from *E. coli*, does not reasonably provide enablement for the instant claims. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. This rejection has been repeated from the last office action.

The Examiner argues that there is no order given for these genes and therefore they could be in any order whatsoever. Further, the claim states that “at least four of the genes citC, citD, citE, citF, and citG are derived from *Klebsiella pneumoniae*”. The Examiner stated that he will allow claims drawn to citC, citD, citE, citF, and citG from *Klebsiella pneumoniae* in that order transformed into *E. coli* and the citX gene from *E. coli*.

In response, Applicants have amended claim 16 according to the Examiner’s suggestion. Additionally, claims 24, 25, and 27-30 have been cancelled.

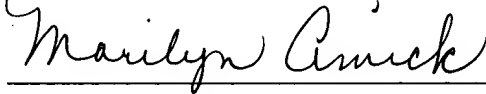
\* \* \* \* \*

Applicants submit that their application is now in condition for allowance, and favorable reconsideration of their application in light of the above remarks is respectfully requested. Allowance of claims 16, 17, 19, 20, and 26 at an early date is earnestly solicited.

The Examiner is hereby authorized to charge any fees associated with this amendment to Deposit Account No. 50-0877. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

May 17, 2004

  
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